



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466

MAY 20 1993

Ref: 8HWM-FF

Mr. Richard Schassburger  
U.S. Department of Energy  
Rocky Flats Office  
P.O. Box 928  
Golden, CO 80402-0928

Dear Mr. Schassburger:

Over the past several months, discussions have occurred regarding resolution of regulatory agencies' comments on the draft Phase III RCRA Facility Investigation/Remedial Investigation (RFI/RI) Report for Operable Unit 1 (OU-1). It is our understanding that in order to maintain current schedules, an agreement has been reached between all parties on the issue of comparisons of RI data to background data for OU-1 and Operable Unit 2 (OU-2). However, a difference in scientific opinion remains between EPA and DOE on this issue. Therefore, this agreement is in essence, a compromise. For the record, both our position (enclosure 1) and our understanding of the compromise (enclosure 2) are enclosed. We have no opposition to proceeding with the compromise approach on OU-1 and OU-2.

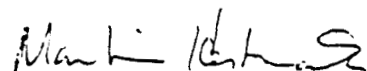
Since it is likely that the compromise will result in protracted discussions between DOE and EPA on contaminants of concern, we recommend that DOE continue its attempts to resolve this issue for subsequent OUs. We have suggested that an expert third party be consulted for a scientific opinion. Provided the opinion is based on a review of the appropriate question, the relevant data sets, and the positions of both parties, EPA intends to give substantial deference to the expert's opinion.

We have been informed by DOE that Dr. Richard Gilbert of Pacific Northwest Laboratory may be available for this work. EPA is willing to accept Dr. Gilbert as the designated expert.

ADMINISTRATIVE

We are interested in determining the most technically sound way of proceeding on this issue but are also extremely concerned that this matter be settled in an expeditious manner. If DOE agrees to this approach, please inform us of a schedule for accomplishing the necessary work. We request your response no later than May 28, 1993. Our point of contact on this matter is Bonnie Lavelle at (303) 294-1067.

Sincerely,

A handwritten signature in dark ink, appearing to read "Martin Hestmark".

Martin Hestmark, Manager  
Rocky Flats Project

Enclosures

cc: Joe Schieffelin, CDH  
Gary Baughman, CDH  
Scott Grace, DOE  
Paul Singh, DOE  
Bruce Thatcher, DOE  
Cindy Gee, EG&G